

# 14. Sorcery Violence in Bougainville Through the Lens of Human Rights Law: A Critical View

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Colonial categorisations and ways of knowing the world are embedded in international law and continue to have powerful effects in this putatively 'postcolonial' era. (Pahuja 2004:245)

## Introduction

Allegations of malevolent sorcery resulting in retaliatory violence and sometimes murder appear to be increasing on both mainland Papua New Guinea (PNG) and the Autonomous Region of Bougainville. This, coupled with increased media reporting of the issue, has spurred local civil society organisations, international human rights institutions and non-government organisations (NGOs) to demand that the governments of PNG and of Autonomous Bougainville take immediate action to address the issue.

Drawing on the postcolonial and critical legal methodology of Third World Approaches to International Law (TWAIL), this chapter interrogates the promise and limitations of relying upon the law, and language of human rights, to know about and respond to the emerging problem of sorcery accusation-related violence in Bougainville. I argue that human rights law inevitably conceptualises sorcery-related violence as a traditional practice productive of societal disorder, which demands state-led interventions involving law and cultural transformation. This conception of sorcery accusation-related violence replicates colonial forms of knowledge and is, as such, unable to comprehend the role of sorcery allegations as a misdirected attempt to reorder Bougainvillean society in the face of growing inequality and conflict.

The call for more law, punishment and cultural transformation in response to sorcery accusation-related violence risks restaging prior colonial interventions under the more palatable guise of human rights. I argue that this 'restaging' is

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enabled through the human rights discourse preoccupation with the eradication of putatively harmful ‘traditional’ practices in the present which obscures other forms of violence authored by the state — in both its current and colonial form — and corporate transnational actors; namely through their destabilisation of indigenous forms of dispute-settlement practices and the cultural, social and economic dislocations attendant to PNG’s incorporation into the global economic order.

Looking outside the lens of human rights, I then develop alternative understandings of the meaning of sorcery accusation-related violence. In doing so, I draw attention to the key paradox sustaining human rights law’s encounter with sorcery accusation-related violence through the case study of Bougainville: while the rise in this practice can in part be attributed to various governmental and economic interventions which have driven inequality and fuelled disorder within PNG and Bougainville societies, the rationale of human rights law typically prescribes only greater intervention based on law and cultural transformation — interventions which are blind to, and thereby risk perpetuating, the systemic causes of the violence itself. The ongoing propagation of this paradox is only possible through a discursive focus on immediate symptoms of violence and the concealment of its socio-economic and political precursors (Orford 2003). I then rely on this broadened understanding of sorcery accusation-related violence (and failed prior interventions) in order to discuss the potential for non-violent and community-focused responses to the immediate issue within Bougainville and, perhaps more importantly, to foreground the wider political and economic issues at play.

Finally, this chapter urges a fundamental rethinking of the use and power of human rights to understand and respond to issues such as sorcery violence. I discuss the radical potential of human rights as a language through which to articulate claims for a more just and less violent local and international economic order, as well as one possible means of redirecting increasingly internalised rage at growing inequality within Bougainvillean societies towards its largely external economic causes.

## **Part 1: Sorcery accusation-related violence in Bougainville — a brief overview**

Media reporting and interviews conducted for the purpose of writing this chapter suggest that between 2010 and 2013 at least 30 individuals were murdered in Bougainville following accusations that they had harmed or killed others by practising sorcery. The true number of deaths, however, is likely much higher given that sorcery accusation-related killings are rarely covered

in the media or reported to police, largely because many occur in remote areas far from government aid posts or police stations and are often 'hushed up' by community members who have led group attacks against alleged sorcerers.<sup>2</sup> Notably, a recent Bougainville-wide study conducted by the South African Medical Research Council on behalf of the United Nations found that '[h]alf of the men and a quarter of women [surveyed] had witnessed sorcery accusation-related violence' and that '[o]ne in five of the men had participated in such violence' (Jewkes et al. 2013:5). Many of these killings were carried out by groups of young men often under the protection of ex-combatants.<sup>3</sup> A majority of these murders occurred in Central Bougainville, an area that was at the heart of the Bougainville conflict.<sup>4</sup>

Allegations of sorcery often circulate after a community member has become sick or has died; in Bougainville, sorcery is often believed to be a cause of serious unexplained illness or of death (Hamnett and Connell 1981). Retribution motivated by suspicions of malevolent sorcery — particularly against those whose non-traditional wealth or status has elicited community jealousy — is a key immediate cause of sorcery-accusation related violence.<sup>5</sup>

While in PNG as a whole, older women are typically understood to be the key targets of sorcery accusation-related violence, especially in the highlands (Zocca 2010), this does not appear to be the case in Bougainville where there exists a diversity of cultural beliefs about which sex has the ability to perform sorcery (for instance, on Nissan Island, only men are believed capable of sorcery).<sup>6</sup> My research suggests that men in Bougainville are more likely to be accused of sorcery than women (a majority of the approximately 30 people murdered over the past four years were male) and that women are at most risk from harm after an immediate male family member had been accused.<sup>7</sup> So while sorcery accusation-related violence in Bougainville has gendered aspects — largely due to cultural beliefs about who can possess sorcery powers — this chapter does not characterise it as *primarily* a women's rights issue.

2 Interview with Informant 1, 23 April 2013.

3 The term 'ex-combatant' refers to those who took up arms during the Bougainville conflict.

4 Although Jewkes et al. (2013) suggest a majority of sorcery accusation-related violence occurred in South Bougainville.

5 Interview with Agnes Titus, sub-national co-ordinator, UN Women, Autonomous Region of Bougainville (AROB), 20 April 2013.

6 Interview with Agnes Titus, sub-national co-ordinator, UN Women, AROB, 20 April 2013.

7 Although UN Women in Bougainville anecdotally believe that the number of murders is currently evenly split between men and women. Interview with Agnes Titus, sub-national co-ordinator, UN Women, AROB, 20 April 2013.

## Part 2: Viewing sorcery through the lens of human rights

As Luis Eslava (2014:3) reminds us, international law 'like photography, involves a way of observing the world, and a way of categorising what is worth looking at'. Its technologies of 'enframing' organise both how we perceive the world and 'our political responses to it' (Eslava 2014:3–4). Similarly, I want to interrogate how international human rights law designates sorcery accusation-related violence as necessitating our gaze, provides particular ways of knowing about sorcery accusation-related violence and prescribes state-led interventions drawn from this knowledge. Here, I want to consider how this manner of viewing non-state actor violence as ultimately demanding more pervasive state control replicates colonial understandings and interventions directed towards pacifying and reforming the colonised 'other'. I do this with a view to questioning the capacity of the solutions typically prescribed by human rights law to reduce sorcery accusation-related violence.

### The application of human rights law to sorcery accusation-related violence

First, let us consider how human rights law applies to this form of non-state authored violence. Under international human rights law, where an individual accused of sorcery is murdered, this amounts to a breach of their fundamental right 'to life, liberty and security of person' (Article 3, UDHR). Where alleged sorcerers are punished through assault, torture or murder, this is a breach of their right not to be disciplined or deprived of their liberty 'except on such grounds and in accordance with such procedure as are established by law' (Article 9, ICCPR).

While sorcery-related violence is generally carried out by non-state actors, international human rights law imposes a duty on the PNG Government and Autonomous Bougainville Government (ABG) to 'exercise *due diligence* to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities' (Human Rights Committee 2004:3, *my emphasis*). This positive obligation of 'due diligence' is concretised in Article 2 of the International Covenant on Civil and Political Rights (ICCPR)<sup>8</sup> which obliges state

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<sup>8</sup> PNG acceded to the ICCPR on 21 July 2008. The oft-cited international law maxim of *pacta sunt servanda*, as elaborated under Article 26 of the Vienna Convention on the Law of Treaties, provides that once a state party has ratified a treaty, it must carry out its obligations under that instrument in good faith. Many of the human rights enshrined within ICCPR have been legislatively incorporated into the Constitution of the Independent State of Papua New Guinea (for example, see Division 3: Basic Rights). This obligation also binds the ABG by operation of Section 293 of the Constitution of the Autonomous Region of Bougainville.

parties, including PNG, ‘to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant’. This duty of ‘due diligence’ is underpinned by PNG and ABG’s legal systems, which give the state a monopoly on both the use of force and the trial and punishment of people accused of wrongdoing.<sup>9</sup>

## Sorcery-related violence as disorder in need of law

TWAIL theorist Antony Anghie observes that the human rights framework ‘creates in the legal sphere a set of principles that appear to correspond with the project of the postcolonial state to expand into every sphere of society and establish itself as the single authoritative, universal and encompassing entity’ (Anghie 2006:462). The human rights principle of ‘due diligence’ does just this through affirming the centrality of nation states to regulate violence and simultaneously demanding state intervention in the face of perceived disorder.

In the case of sorcery accusation-related violence in Bougainville, and PNG more broadly, this call for state-led intervention has been iterated by senior PNG leaders and by human rights institutions alike; in 2010 the perceived rise in sorcery- and witchcraft-related violence against women in PNG led the Committee on the Elimination of Discrimination against Women (CEDAW) in its concluding observations for PNG to call on the PNG government ‘to prosecute and punish the perpetrators of such acts and to prevent their reoccurrence in the future’ as well as ‘to strengthen the enforcement of relevant legislation’ (CEDAW 2010:6). The Human Rights Council’s 2011 Report of the Working Group on the Universal Periodic Review for PNG also contained recommendations that it, among other things, ‘accelerate its review of the law on sorcery and sorcery-related killings’, ‘strengthen the enforcement of relevant legislation’ and ‘prosecute and punish perpetrators of such crimes’ (Human Rights Council 2011a:[78.21]). Similarly, international human rights NGOs such as Amnesty International have taken up the call for legal intervention and reform (Amnesty International 2013a, 2013b).

Such legal prescriptions are not new to PNG; in early Papua and New Guinea, the British and Australian colonial administration sought to curb perceived ‘native’ disorder — such as the practice and punishment of sorcery — and concentrate power in the hands of colonial authorities through the putative power of law (Murray 1913). Despite its disbelief in the existence of sorcery, from its early days the administration passed laws criminalising the practice of malevolent sorcery or the making of unfounded accusations against others of

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<sup>9</sup> Constitution of the Autonomous Region of Bougainville, Sections 115(3) and 148; and Section 37 of the Constitution of the Independent State of Papua New Guinea.

practising sorcery (Murray 1929). The *Sorcery Act 1971*, adopted by the PNG House of Assembly prior to independence, represented the continuation of this approach in the post-independence era.<sup>10</sup>

Through human rights' insistence that the PNG state have greater access to its moral interior in order to contain intra-community violence through the application of law and punishment, the state is invited to internalise the imperatives of the colonial 'civilising mission' that preceded it.<sup>11</sup> The recent repeal of the *Sorcery Act 1971* itself can be read as a state intervention intended to shift indigenous morality through law; at the behest of international institutions and international NGOs, in removing a rarely used law<sup>12</sup> which purportedly sustained a belief in sorcery or the legitimacy of punishing sorcerers, the PNG national government again attempted to transform (or civilise) the belief system of Papua New Guineans through legislation.

Yet, these colonial, state-led and human rights interventions have been largely ineffective. During the era of colonial rule, the administration had limited coercive capacity to quash sorcery or allegations of sorcery — colonisation in PNG always occurred 'on the cheap' through a modified form of indirect rule.<sup>13</sup> While the administration was not averse to the use of force to 'pacify' local people, its ability to enforce the law was always limited (Dorward 2003). So, colonial laws prohibiting sorcery or unfounded allegations of sorcery were more testimony perhaps to the colonists' somewhat magical belief that, in the absence of actual enforcement power, the administration could legislate morality and behaviour within the largely semi-autonomous field of indigenous self-regulation.

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10 Mel Keenan (Chapter 11, this volume) gives an excellent and detailed overview of colonial attempts to control sorcery and sorcery accusation-related violence, content that I have touched on only briefly here.

11 By civilising mission I mean, as Angie (2004:3) describes it, 'the grand project that has justified colonialism as a means of redeeming the backward, aberrant, violent, oppressed, undeveloped people of the non-European world by incorporating them into the universal civilization of Europe'.

12 Only 19 published cases (many unreported) have considered the application of the Sorcery Act since its introduction. The following cases related to charges for the act of sorcery: *State v. Magou* [1981] PGNC 1 (31 January 1981), *State v. Obande* [1983] PGNC 15; N444 (10 November 1983), *State v. Parara* [2008] PGNC 259; N3957 (22 February 2008). The following considered a belief in sorcery in mitigation of sentence (many refused to take into account this belief as a special mitigating factor — largely due to perceived incompatibility with the repugnance provisions of the constitution of PNG): *State v. Wapulae* [1980] PGNC 9; N233 (4 June 1980), *State v. Gesie & Guluwe* [1980] PGNC 20; N254 (12 July 1980), *Kwazawako v. State* [1990] PGNC 6 (30 November 1989), *State v. Sambura* [2002] PGNC 114; N2219 (18 April 2002), *State v. Gena* [2004] PGNC 142; N2649 (24 September 2004), *State v. N'Danabet* [2004] PGNC 56; N2728 (9 November 2004), *Baipu v. State* [2005] PGNC 19; SC796 (1 July 2005), *State v. Jackson* [2006] PGNC 154; N3237 (24 October 2006), *State v. Mohavila* [2006] PGNC 106; N3385 (25 October 2006), *State v. Lota* [2007] PGNC 167; N3183 (1 October 2007), *State v. Martin* [2008] PGNC 29; N3312 (12 March 2008), *State v. Niruk* [2012] PGNC 152; N4821 (3 October 2012), *State v. Tayamina* (No.3) [2013] PGNC 110; N5288 (10 May 2013). In the following, an act of sorcery was considered provocation for murder: *State v. Manipe* [1979] PGNC 8; N196 (1 June 1979), *State v. Gesie & Guluwe* [1980] PGNC 20; N254 (12 July 1980).

13 British Indirect Rule represented 'an Empire wide repertoire of the arts [and techniques] of governing and colonising peoples' which relied upon 'the ideological production of "native society" as a specific object of government' in order to advance the interests of empire (Silverstein 2012:42).

The gap between the PNG state's assumed constitutional and human rights-imposed mandate to regulate sorcery-related violence, and its actual ability to do so, continues into the present. In Bougainville, both regular and Community Auxiliary Police have stated that they lack the institutional capacity to prevent and investigate accusations of sorcery and resulting vigilante violence (Human Rights Council 2011b). Although, it is not uncommon for members of the community accused of sorcery to request to be locked inside police cells for their own protection. This is not always an effective solution; on at least one occasion in Arawa, armed ex-combatants forcibly removed alleged sorcerers from the police lockup and subsequently murdered them.<sup>14</sup> When the UN Special Rapporteur on Torture visited the Arawa Police station in 2010 he was advised that police had not been investigating alleged sorcery violence cases in the villages because 'there are too many cases in the communities' and 'not enough resources' (Human Rights Council 2011b:40). So despite the call for more law and punishment, police remain unable or unwilling to intervene to contain sorcery accusation-related violence.

Perhaps it is this widening gap between law and enforcement that has spurred the PNG government's recent reintroduction of the death penalty for crimes of extreme violence (Callick 2013). While symbolic of the PNG state's desire to assume control of both life and death (something which exceeds its grasp) it is highly unlikely that the imposition of the death penalty will be effective in reducing sorcery accusation-related violence, given its proven ineffectiveness in reducing violent crime in other jurisdictions (Cheatwood 1993). Rather than reducing sorcery and witchcraft accusation-related violence, every intervention based on more law and punishment merely widens the gap between 'law on the books' and the state's capacity to regulate violence in practice. Guided by the human rights obligations of 'due diligence' — in what could be described as a 'regulatory feedback loop' — the ever widening ungovernable juridical space between legislation and enforcement appears productive of a desire for more law and punishment. This fetishism of the law, within the context of reputedly growing disorder and societal fragmentation, 'lies in an enchanted displacement, in the notion that legal instruments have the capacity to orchestrate social harmony' and misses the point that 'law in practice ... is a social product, not a prime mover in constructing social worlds' (Comaroff and Comaroff 2001:38).

## Sorcery as 'native savagery' in need of transformation

Human rights literature and international media, in its recent discovery of sorcery and witchcraft violence, typically depicts it as a brutal, traditional

<sup>14</sup> Interview with Informant 1, 23 April 2013.

practice directed against vulnerable, poor and isolated women (Amnesty International 2013b; Fox 2013a), irrespective of the reality that those murdered include men and women from different strata of PNG society. The framing of the issue and dissemination of imagery by NGOs has also played a key role in defining this violence and its victims in a similar manner (Fox 2013b). The Crying Meri exhibition by photographer Vlad Sokhin — sponsored by Amnesty International and the United Nations, exhibited throughout PNG and soon to become its own book — features individual portraits of disfigured and scarred bodies of female survivors of sorcery and witchcraft accusation-related violence and scenes of public torture. These photos have also been widely disseminated on the internet and used by Amnesty International in its fundraising efforts.

The focus on isolated female victims of sorcery accusation-related violence acts to heighten the perceived sense of brutality and moral outrage through drawing on gender norms that conceive women as victim-objects in need of the international community's protection and intervention. Because these women survivors are photographed either alone or unassisted as they are publicly tortured, this suggests that there is no one outside the frame, no friend or relative who might support them (Orford 2003), when this is often simply not the case. Overall, these internationalised discursive and photographic practices — which portray female subjects as victims of their tradition — 'reinforce ... stereotyped and racist representations of that culture and privileges the culture of the West' (Kapur 2005:99), while at the same time attempting to legitimise calls for the 'taming' or 'civilisation' of that culture.<sup>15</sup> While women are undoubtedly subject to much gendered discrimination and violence in PNG — and I do not wish to minimise that problem or undermine the valuable work of local activists to address it — I do wish to draw attention to the effects of this instrumentalisation and enframing of women's bodies and suffering.

International human rights institutions have also leveraged a characterisation of sorcery accusation-related violence as traditional barbarity to bolster their call for the cultural transformation of Papua New Guineans. For example, the United Nations 2011 Universal Period Review for PNG included several recommendations that PNG implement strategies for social and cultural transformation to prevent further killings (Human Rights Council 2011a). Such prescriptions, which single out and target violence perceived to have a basis in culture or tradition, expose the latent potential of human rights law to reproduce binary colonial differentiations between 'civilised' and 'uncivilised'. As anthropologist Sally Engle Merry points out:

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15 For a detailed interrogation of the victim subject within international/postcolonial feminist legal politics and its colonial antecedents, see Kapur (2005:96–136). It is worth making the point that while sorcery accusation-related violence sometimes represents a form of gender-based violence against women, this is not always the case and depends on the particular cultural context and individual circumstances.

Like colonialism, human rights discourse contains implicit assumptions about the nature of civilized and backward societies, often glossed as modern and traditional ... The practice of human rights is burdened by a colonialist understanding of culture that smuggles nineteenth-century ideas of backwardness and savagery into the process, along with ideas of racial inferiority. Rather than using these clearly retrograde terms, however, human rights law focuses on culture as the target of critique, often understood as ancient tradition. (Merry 2006:226)

A view of sorcery as traditional backwardness replicates prior colonial understandings of sorcery in PNG. Before independence, the administration and expatriate missionaries alike generally characterised sorcery as an endemic form of 'native savagery' to which their ward was enslaved (Murray 1913, 1929). Such a view of sorcery as traditional backwardness — which is sustained by human rights discourse — demands that Papua New Guineans and Bougainvilleans be transformed through education about the ills of sorcery accusation-related violence; in its 2010 concluding observation, CEDAW recommended that sorcery-related violence be countered through 'awareness-raising and educational efforts' (CEDAW 2010:6).

The idea that Papua New Guineans must be tutored into civility replicates a colonial understanding of the colonised as children in need of education. The notion of 'colonialism as pedagogy' and the 'coloniser as educator' is central to the rationality of colonisation (Orford 2003). As Leela Gandhi asserts, the 'perception of the colonised culture as fundamentally childlike feeds into the logic of the colonial "civilising mission" which is fashioned, quite self-consciously, as a form of tutelage or a disinterested project concerned with bringing the colonised to maturity' (Gandhi 1998:32).

In colonial Papua and New Guinea, Sir Hubert Murray, lieutenant-governor from 1908 to 1940, sought to transform indigenous society through a paternalistic system of 'native administration' built on 'preserving the Papuan and raising him eventually to the highest civilisation of which he is capable' (Murray 1913:360; see also Beaver 1920; Elkin 1940; Lyng 1919). This pedagogical project included the liberation of the colonised from a belief in sorcery that supposedly so enslaved them (Murray 1929). So in prescribing cultural transformation or the modernisation of the harmful and traditional, human rights law invites the PNG nation-state to pick up the 'white man's burden' of the colonial administration that came before it. The futility of these paternalistic attempts to eradicate aspects of indigenous belief — deemed inconsistent with morality of the colonist or developmental state — is evident in reputedly rising sorcery accusation-related violence in present day PNG and Bougainville.

## Part 3: Other ways of viewing sorcery-related violence

Looking through the traditionally narrow lens of human rights negates our ability to grasp the structural connection that exists between particularised and exceptional human rights abuses and the local and international order in which they are situated (Eslava 2014). It also obscures alternative ways of understanding such violence that may hold the key to more effective, just and durable means of responding to violence within society.

Through signifying sorcery practices as disorder or aberrant traditional practice, a comprehension of sorcery accusation-related violence as a form of indigenous social regulation or as a misdirected critique of growing inequality, are hidden. Through its tendency to draw our gaze to immediate crises and 'exotic' forms of 'traditional' violence and its demand for intervention, the traditional human rights response conceals the role of prior and ongoing legal and economic interventions in destabilising indigenous dispute resolution systems and societies. And by understanding sorcery as 'savage' violence, other forms of violence — including the economic and symbolic violence attendant to PNG and Bougainville's incorporation within the global economic order (and the processes of colonisation which preceded and enabled this process) — are conveniently masked.

### Sorcery as regulation

A view of sorcery-related killing as a manifestation of indigenous or traditional disorder, which human rights discourse sustains, precludes an understanding of how such practices constitute a way of making meaning within and of attempting to reorder a society of growing inequality. Within pre-contact Bougainvillean societies, sorcery was often imposed and sanctioned by the village leadership as punishment for individuals who offended against local norms or failed to fulfil their customary obligations.<sup>16</sup> On Buka Island, for example, known sorcerers who held the status of chief were only permitted to practise sorcery to punish another where the local chiefs (including the sorcerer) had reached a unanimous decision approving its use. The fear of such punishment helped keep the peace as it encouraged obedience to prevailing societal norms.<sup>17</sup> The punishment of alleged sorcerers was also highly regulated; when a death was allegedly caused by sorcery, only the senior female chief had the authority to decide what

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16 Interview with Helen Hakena, 23 April 2013.

17 In Buka, fear of sorcery also helped keep villages clean; villagers would take care to not leave *buai* spit or husks lying on the ground lest it be used in an act of sorcery against them (interview with Helen Hakena, 23 April 2013); see also LRCPNG (1978:18) and Schwarz (2011:34).

punishment should be imposed.<sup>18</sup> I do not wish to perpetuate a view that pre-contact Bougainville was a non-violent garden of Eden benignly regulated by fear of sorcery (Filer 1990). However, it is important to acknowledge that while violence was frequent in pre-contact Bougainville societies, 'when it occurred [unlike the present, it] was highly ritualised, with few deaths and complex, deeply rooted customary mechanisms for ensuring swift and lasting resolution' (Oliver 1991, cited in Kent and Barnett 2012:36).

While sorcery has its roots in Melanesia's ancient and diverse cultures, it is not a static, traditional belief that has endured despite the influences of Christianity, colonisation and development. Rather, the role of sorcery as a means of regulating and making meaning within society has changed through its encounter with post-contact life in PNG and Bougainville (Rio 2010; Schram 2010). Throughout Melanesia today, sincere belief in sorcery is often 'articulated through relations marked by fear, anger or jealousy' (Rio 2010:182) flowing from perceived inequalities in material wealth (see also Forsyth 2006). In Bougainville, accusations of sorcery are commonly made against financially successful individuals (who own a car and live in a permanent house, for instance) who are perceived to have failed to redistribute their prosperity appropriately, or against people who have achieved a high non-traditional status (for example, through private business or government employment).<sup>19</sup>

In this context, an allegation of sorcery, and the violence which sometimes accompanies it, often signifies an attempt to level perceived inequality in the community (Eves 2000)<sup>20</sup> through a misdirected attack provoked by this relationship of inequality.<sup>21</sup> I say 'misdirected' because, as will be discussed later

18 Interview with Helen Hakena, 23 April 2013.

19 Interview with Marilyn Havini of the Bougainville Women's Federation, 2 June 2013; interview with Helen Hakena, 23 April 2013; interview with Agnes Titus, sub-national co-ordinator, UN Women, AROB, 20 April 2013; interview with Informant 1, 23 April 2013. For example, in the recent sorcery-related killing in Bana, Helen Rumbali held the position of Bougainville Women's Federation president in the area, one of her sons was a member of parliament in the ABG, another son was the executive officer of the District Office and another was the chair of the local-level government. Another 'economic' aspect to the recent murder of Helen Rumbali was that, following her murder, claims worth more than US\$125,000 were lodged with the ABG by people claiming they had helped the remaining family escape (Australia Network News 2013).

20 Although Eves is of the view that the explanation of envy alone is overly simplistic and that an understanding of allegations of sorcery based on wealth-based envy should be determined within their particular local context. I also note that this article focuses on the Lelet Plateau in New Ireland. In a similar vein, according to Rio (2010:186), sorcery allegations sometimes carry 'a certain moral legitimacy against those who have success in business or other activities which privatise income and profit'.

21 Jealousy about non-traditional prosperity may give rise to allegations of sorcery for the reason that such forms of wealth cannot be accommodated or regulated within traditional cultural understandings of or practices around the distribution of wealth; a permanent house or Landcruiser cannot be incorporated into cycles of reciprocal giving or exchange (Rio 2010). Here, I note that Mortensen observes that sorcery accusations, through undermining the regulation of sociality, do not operate as 'a commentary on inequality as such [in Melanesia], but refer ... more exactly to a failure of the morality and management of exchange in the new context of modernity' (Mortensen 2001:509, 511). Yet, what is inequality but a failure of market-based exchange or distribution?

in this chapter, the causes of growing inequality in Bougainvillean society can for the most part be traced to its resorption within global capitalism (Mortensen 2001).<sup>22</sup> Hence, those accused of sorcery-related killing act as scapegoats for governmental and international economic practices over which its victims have no responsibility. Arguably, Chinese retailers in Bougainville, who have been the victims of increasingly violent attacks in recent years, are playing a similar role as straw men for the discontents of modernity and increasing inequality.

So broadly speaking, sorcery accusation-related violence, rather than being a throwback to pre-development society, often operates as a reaction to changes and inequality wrought by the destabilisation and disappointments of development and globalisation; and it represents a means through which individuals who feel disenfranchised can attempt to enhance their power through enrolling community disapproval against others perceived as acting in contravention of more egalitarian societal norms. Through depicting sorcery practices as lawless disorder or tradition in want of transformation, human rights discourse obscures a comprehension of sorcery-related violence as a misdirected response to growing inequality. It thereby misses the opportunity to make visible and critique the economic origins of this inequality of which sorcery accusation-related violence is but one symptom.

## **Sorcery accusation–related violence as a consequence of legal and economic intervention**

In her work *Reading Humanitarian Intervention*, Anne Orford is concerned with the way narratives of international intervention *commence* with the story of the international community's response to a particular humanitarian crisis. She argues that through beginning too late in the piece these dominant narratives obscure the way in which the 'international community had already intervened on a large scale in each of the ... cases [of the former Yugoslavia, East Timor and Rwanda] before the security crisis erupted, particularly through the activities of international economic institutions' (Orford 2003). In a similar vein, I want to now interrogate how the human rights view of sorcery accusation-related violence, which is localised in the present to a singular practice of 'cultural' violence, obscures a deeper understanding of the causes of such violence.

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22 See in general also Nihill (2001:103) and Schram (2010). In a similar vein, Nibbrig has persuasively argued that gang crime in PNG increasingly represents a means through which the marginalised can make a claim for equality within PNG's new economic order. According to Nibbrig, *raskols* (loosely organised urban gang members) are motivated 'by a sense of moral indignation which is directed at inequalities originating in the colonial experience that have been further institutionalized in the postcolonial period' (Dinnen 2001:47, referring to the work of Nibbrig 1992).

### The colonial and nation-state's attack on indigenous self-regulation

In PNG and Bougainville, the arrival of the technology and forms of the nation-state has undermined the ability of Papua New Guineans to regulate themselves through indigenous forms of dispute settlement including through fear of sorcery (Tombot 2010). I have written elsewhere how the processes of colonisation through 'indirect rule' — alive in the present through the operation of the developmental state — has systematically attempted to contain indigenous self-regulation through either attempting to eradicate it or through rendering it subordinate and subservient to the centralised and positivist law of the PNG state (Evenhuis 2013). While some introduced legal forms have been embraced by Papua New Guineans and Bougainvilleans, others have weakened the ability of communities to respond to violence when it erupts or regulate its imposition as punishment (Ottley 1995).

In colonial times, this weakening occurred through the administration's attempted institutionalisation of indigenous authority and dispute-settlement practices. While diverse indigenous forms of pre-contact disputing in Melanesia sought to keep the ever-present risk of societal fragmentation at bay through the continuous renegotiation of leadership and indigenous norms (in Bougainville this also occurred through 'the pursuit of warfare, the practice of initiation, and the organization of large-scale gift-exchange'; Filer 1990:9), the process of institutionalisation fixed these relationships and dispute resolution processes at a particular moment in time. In some instances the administration in Bougainville also intentionally reallocated traditional authority in order to best accommodate its needs.<sup>23</sup> As the lively flexibility and instability of indigenous forms of self-regulation have been undermined, the state has remained 'a distant presence with uncertain relevance for everyday life' (White 2007:4), unable to replace the authority it has displaced. Within this space various indigenous constraints on sorcery allegations and the punishment of alleged sorcerers have been loosened (this is discussed in more detail below).

While an argument can be made that the imposition of colonial rule ushered in an era of relative peace in Melanesia through reducing inter-village warfare, paradoxically many anthropologists now believe that so-called '[p]acification led to the conduct of inter-village warfare by less visible means' (Mortensen 2001:524), including through sorcery or accusations of sorcery. So looking briefly back into Bougainville's colonial past reveals that a rise in sorcery

<sup>23</sup> When the Australian colonial government established local-level councils to govern and administer justice, councillors were elected to this new level of government who did not hold traditional authority to deal with disputes to the exclusion of others who did — paramount chiefs were sometimes excluded from participating where they lacked the ability to speak Tok Pisin (Tombot 2010; see also Blackwood 1931).

accusation-related killing can in part be attributed to the various law and order interventions of the colonial and postcolonial order which undermined the role of sorcery practices in regulating pre-contact sociality.

### Globalisation-induced disorder

Rapid economic and social change wrought by PNG's incorporation into the global economy, through development policies premised on economic growth and international investment, have led to an increasingly violent, inequitable and disordered society (Dinnen 2001), which, in Bougainville, has been further compounded by the conflict. This dialectic of economic destabilisation — initiated by PNG's articulation within the international economic order — dates back to the days of colonial rule where the administration endeavoured to restructure local production in order to meet the needs of the metropole.<sup>24</sup> Except now, PNG has shifted its economic base from an agricultural/plantation economy towards one largely based on logging and extractive industries in order to bankroll the nation-state (Allen 2013).

The destabilising effects of PNG's encounter with global capital have been grave. In rural areas across the country violent land disputes are increasingly common — particularly in areas where extractive industries operate; to date Melanesia's most violent conflicts have all been resource conflicts (Allen 2013). In turn, urbanisation spurred by the call of the modern city as the wellspring of development and prosperity has brought instability to urban and peri-urban PNG. Faced with a reality of limited formal or informal employment, the marginalised within PNG and Bougainville are increasingly turning to illegal and often violent activity as alternate forms of income. As is the case with sorcery accusation-related violence in Bougainville, much of this violence can be linked to growing inequality within PNG (Levantis 1997). In the face of economic and political destabilisation wrought by development and resource capitalism, PNG and Bougainville's police have a limited capacity to restrain violence and are themselves often perpetrators of violent human rights abuses (Human Rights Watch 2005).

The consequence of economic and political destabilisations wrought by the government and globalisation — combined with the state's inability to fulfil its assumed role of maintaining law and order — is the proliferation of urban and rural spaces where neither state nor 'traditional' authority has normative and

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24 This attempt to render Papua and New Guinea responsive to the needs of the metropole occurred through law. Murray's 1918 Native Taxation Ordinance and Native Plantations Ordinance allocated land for plantations near each village, to 'ensure that Papuans would work the plantations by establishing a tax burden on each community' (Silverstein 2012:196) under the Native Labour Ordinance of 1892. This approach was intended to 'establish peasant production within a village economy as providing the means of subsistence and thus a subsidy for settler-owned plantation production' (Silverstein 2012:197).

regulatory legitimacy or power (Dinnen 2001).<sup>25</sup> This regulatory void acts as an enabling environment for excesses of violence unconstrained by shared local authority or the law of the state.

Within this understanding we encounter a paradox: while we can attribute the perceived increase in violence in PNG (including sorcery accusation-related violence in Bougainville) to various governmental and economic interventions which have produced heightened levels of societal inequality and intersocietal conflict, the logic of 'due diligence' and sovereignty prescribe only further intervention based on law and cultural transformation as a panacea for violence. Such a paradox is only possible through a 'localisation' of the immediate symptoms of violence and the concealment of its socio-economic and political antecedents (Orford 2003). The maintenance of this paradox is aided and abetted through the proclivity of human rights law to privilege the political and individual over the economic and collective (Wright 2001), which has been entrenched within international law through the traditional separation between its political and economic branches (Pahuja 2000).

### The Bougainville conflict

Continuing to trace this line of inquiry, I now want to draw on the example of the Bougainville conflict and events preceding it to suggest that the perceived increase in sorcery accusation-related killing in Bougainville can be linked to the interventions of the state and transnational corporate actors, which both fuelled and prolonged the conflict. While a plethora of theories exist as to the underlying causes of the Bougainville conflict, it is largely uncontested that the conflict arose out of the unequal distribution of royalties, compensation and other benefit flows from an imposed resource extraction project that many landowners simply did not want (Filer 1990; Ghai and Regan 2006; Howley 2002; Oliver 1973). The resultant inequality among Bougainvillean contributed to a conflict-prone environment of intercommunity and inter-ethnic tensions and jealousies (MacWilliam 2005),<sup>26</sup> which greatly assisted the Bougainville Revolutionary Army (BRA) to mobilise a force largely composed of disaffected youth, many of them landowners or former employees of the mine (Ghai and Regan 2006). Secondly, this conflict was protracted due to the heavy-handed military intervention of the police and PNG Defence Force — who were covertly supported by the Australian Government — which culminated in the blockade

<sup>25</sup> As Dinnen (2001:44) notes, '[t]he cumulative effect of [urbanisation] is to generate an overall social pathology, in which neither the norms of the emergent social order nor those of the traditional order are dominant' (see also Goddard 2003).

<sup>26</sup> Although this situation of inequality pre-existed the conflict, as Ghai and Regan (2006:592) note: 'In particular, many groups in Buka and on the east coast of Bougainville adjacent to the colonial administrative centre and plantations have had much greater access than others to education, employment and opportunities for economic advancement, a source of inequality that contributes to tensions and divisions'.

of Bougainville, effectively cutting off all services, communications and medical supplies to the island and leading to the deaths of many thousands of people (Lasslett 2012).

So what are the links between these interventions and sorcery accusation-related violence? In the decades before the Bougainville conflict, sorcery-related violence was reportedly rare due to the strength of community, clans and the church, and the absence of guns in the community.<sup>27</sup> During the conflict, when combatants displaced both autonomous indigenous authority at the village level and the law and order apparatus of the PNG state, they began to regulate communities over which they held power; '[s]ome BRA [and also Bougainville Resistance Force] commanders used their new monopoly of force on their patch to settle old disputes over land, sorcery, local economic inequalities and other grievances that had nothing to do with the[ir] ... struggle' (Braithwaite et al. 2010). UN Women in Bougainville understands that some incidents of sorcery accusation-related violence during the conflict involved the murder of entire families by combatants.<sup>28</sup> While some communities allegedly requested and received the spiritual protection of sorcerers during the conflict, these same sorcerers were often accused of malevolent sorcery after the fighting ceased.<sup>29</sup>

Both media and anecdotal accounts of sorcery accusation-related violence in Bougainville suggest that many ex-combatants have retained their monopoly over community dispute settlement dating from the conflict (Toreas and Masiu 2013). Ex-combatants have carried out sorcery-related killings themselves — sometimes according to their own version of customary law — or facilitated their community to carry out these murders.<sup>30</sup> In the face of armed community members and ex-combatants, the police of Bougainville — who are unarmed by law — are unable to intervene to prevent killings. In the April 2013 case in Bana, police witnessed the murder of Mrs Helen Rumbali but were unable to act as her accusers were armed.<sup>31</sup>

The Bougainville conflict not only displaced the formal law and order system. When combatants took up arms, they also disempowered traditional leaders, such as chiefs, to regulate their own communities and contain sorcery allegations and sorcery-related violence.<sup>32</sup> Before the conflict, the use of sorcery, including who was given knowledge about its practice, was generally strictly controlled by tribal authority; knowledge about sorcery was usually only passed down within the one clan. Many Bougainvilleans believe that during the conflict,

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27 Interview with Agnes Titus, sub-national co-ordinator, UN Women, AROB, 20 April 2013.

28 Interview with Agnes Titus, sub-national co-ordinator, UN Women, AROB, 20 April 2013.

29 Interview with Helen Hakena, 23 April 2013.

30 *Post-Courier* 2013; interview with Informant 1, 23 April 2013.

31 *Post-Courier* 2013; interview with Informant 1, 23 April 2013.

32 Interview with Agnes Titus, sub-national co-ordinator, UN Women, AROB, 20 April 2013.

sorcery knowledge was given to young and often non-clan members prematurely as a form of spiritual weaponry against their enemies and that since this time chiefs have no longer been able to control who practises sorcery or under what circumstances it is practised.<sup>33</sup> This has provoked strong community fears of sorcery, as all community members are now perceived as potential sorcerers — likely resulting in a spike in the number of sorcery allegations.<sup>34</sup> In summary, state and corporate-led interventions, which underpinned and sustained the Bougainville conflict, pushed out the already weak law and order of the state, further undermined traditional authority and concentrated power in the hands of people with guns and, as a consequence, fostered an environment conducive to the spread of sorcery accusation-related violence. So while the logic of human rights and sovereignty might simply characterise this practice as disorder or traditional practice in need of state intervention or transformation, a wider reading of its causes suggests otherwise.

## Part 4: Responding

The ineffectiveness of both colonial and contemporary human rights-based 'solutions' to sorcery does shine some light on possible alternative, non-violent and largely non-state-reliant responses of addressing the issue in Bougainville. However, conscious that a narrow and orthodox human rights approach limited to redressing sorcery violence will be at the expense of comprehending or challenging 'economic and political structures which generate inequality' (Merry 2006) and violence in Melanesia, in closing I will also consider the emancipatory and political potential of a broader view of human rights for those in search of a more just and peaceful local and international order.

### Restoring power to communities

If sorcery-related violence in Bougainville can, in part, be attributed to the deterioration of local authority to regulate violence — a destabilisation which commenced with colonisation and was exacerbated by a civil war concentrating power in the hands of an armed minority — there is a real risk that any attempt by the state to increase regulatory control of the population will result in further deterioration in community cohesion and an upsurge in violence. Instead, respecting and, where applicable, restoring power to communities to resolve disturbances of the peace non-violently (coupled with weapons disposal discussed below) represents the most obvious means of successfully responding to this issue.

<sup>33</sup> Interview with Informant 1, 23 April 2013.

<sup>34</sup> Interview with Informant 1, 23 April 2013; see also Tombot (2010).

A greater reliance on local authority does not mean that traditional forms of authority, where absent, must be reinvented to regulate communities. While loosely articulated with the state, throughout PNG and Bougainville many grassroots-level justice institutions and individuals (village courts, peace officers, councils of elders, village assemblies, church leaders etc.) have been embraced by local communities as dispute resolution mechanisms and creatively adapted to a local context (Goddard 1996, 2000, 2010); however, working with the above should not be to the exclusion of supporting other non-institutionalised forms of authority. So rather than a strategy of intervention or usurping local authority, it may be preferable for the ABG and PNG government to work towards real power sharing with and within local communities in an attempt to stem the multiplication of violent spaces within them. Clara Bal's chapter provides an excellent example of a successful community-driven response in Gor (Chapter 16).

## Contestation about the legitimacy of sorcery-related killing

Keeping in mind the ineffectiveness of colonial and state-led criticism of sorcery accusation-related violence through law or rhetoric, conducting 'awareness', especially delivered by community outsiders emphasising the superiority of 'modern' human rights values, risks restaging the colonial encounter in the present and inviting resistance from those subject to its belittlement. Again, community authority is best placed to contest the minority support for the murder of alleged sorcerers (in my understanding, the vast majority of Bougainvilleans unequivocally reject sorcery accusation-related violence on the basis of current understandings of culture and widely held Christian faith which do not tolerate individuals taking the law into their own hands).<sup>35</sup> This is not to say that communities should not internalise the values of human rights in responding to sorcery accusation-related violence as they see fit — for example, its emphasis on the sanctity of life and human dignity or in the manner discussed towards the conclusion of this chapter. However, the potency of human rights values will always be contingent on their translation into local vernacular<sup>36</sup> and their alignment with local values.

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35 Interview with Agnes Titus, sub-national co-ordinator, UN Women, AROB, 20 April 2013; interview with Helen Hakena, 23 April 2013.

36 In Bougainville, the language of human rights has been adopted by a formally educated urban minority and local NGO workers; the extent to which it resonates with the diverse cultural beliefs and conceptions of community and self within rural and remote communities is contentious.

## A role for the state?

Given the low overall enforcement and regulatory capacity of the ABG and PNG government, it is appropriate that responses to sorcery accusation-related violence should be largely community based and driven. However, the ABG and PNG government could attempt to reduce sorcery accusation-related violence in two key ways.

First, the ABG has a crucial role to play in facilitating weapons disposal across Bougainville. Unless guns are disposed of, local power will remain concentrated in the hands of the minority that possess them and communities will be obstructed from keeping the peace collectively. Second, the ABG must find a way to begin to engage seriously with Bougainville's most marginalised, especially its youth, in a conversation about their desires for their lives and the future of Bougainville (Kent and Barnett 2012). Unless these youth are meaningfully accommodated within Bougainvillean society through meaningful education and work opportunities, economic and social marginalisation will continue to find violent means of self-expression.

## A place for human rights?

In this chapter I have attempted to draw attention to the limited promise of international human rights law — when it operates in its regulatory and imperial mode — to address individual manifestations of 'cultural violence'. However, I am not advocating for the total abandonment of human rights as an emancipatory language which Bougainvillean, or indeed other Papua New Guinean, communities *may* wish to employ tactically to further their own immediate or long-term political or emancipatory goals. When Helen Rumbali and her sister were taken hostage, local women activists quickly alerted international media and international NGOs; the latter in turn funded the evacuation of the Rumbali family.<sup>37</sup> These women's strategic decision to draw on the transnational language and appeal of human rights no doubt increased the audibility of their request for assistance and helped save many lives.

Instead, I want to consider here how human rights discourse might be distracted from its preoccupation with 'harmful traditional practices' and appropriated to critique the economic structures that perpetuate global and local inequality and increasingly stratified and violent societies. From the outset I want to make it clear that I am not proposing that human rights be mainstreamed into development; TWAIL scholars such as Sundhya Pahuja have persuasively argued that the subordination of international law including human rights to the transcendent value of 'development as economic growth', 'exacerbates international law's

<sup>37</sup> North Bougainville Human Rights Committee, press release 5/4/2013.

imperial quality and minimises its counter-imperial dimension, or emancipatory possibilities' (Pahuja 2011:37). Rather, I want to suggest here that the discourse of human rights — when decoupled from the civilising mission of the state or a single and unified story of developmentalism — retains a political or emancipatory potential. This political nature of human rights originates from 'the gap between the body of human rights norms in international law at any given time and the imaginative appeal of human rights' (Pahuja 2007:168). As Pahuja critically observes:

when a human right comes up against someone to whom that right does not apply because of the particular human 'inscribed' within the right, that person embodies the limit of the right and presents to the universal an insistent factuality contesting the universal's claim to be such. (Pahuja 2007:168)

Thus, through its investiture in all humans, the consequential human rights assertion of universality and equality between humans 'carries with it a symbolic valence in its imaginative link to justice' (Pahuja 2007:84) which is unconstrained by a positivist conception of universal rights (i.e. rights as they exist in treaties, customary international law or justiciable domestic legislation). In its restive and political mode, the content of claims to human rights are as expansive and diverse as the desires and imaginations of those who lay claim to them.

The imaginative act of liberating human rights from the constraints of legal positivism raises a possibility of shifting its narrow target of critique (its colonial preoccupation with civilising culture), to the economic violence of corporate penetration within the global South. Within this broadened discursive space, human rights language has the capacity to foreground 'the extreme social, economic, and cultural dislocation felt by women, children, indigenous peoples and the poor generally when this economic penetration either fails owing to financial or structural collapse, or is instituted without regard for the environmental costs of uncontrolled development' (Wright 2001:215). A liberated human rights discourse may also be of use to Bougainvilleans as a means of rerouting misdirected and internalised societal rage induced by rising inequality towards its actual source; and of laying claim to a more just international economic order through mobilising coalitions across borders.

## Conclusion

As Anne Orford reminds us, in the face of humanitarian crisis, rather than just asking 'what should we do?' it is better to question 'how did we get here?' (Orford 2003). A reading of sorcery-related violence outside the narrowing

lens of regulatory human rights law reveals both its broader context — the systematic destabilisation of indigenous society through economic, social and legal interventions — and the consequential irrationality of singling out one symptom of growing societal marginalisation for remediation through state-centric law and order or re-education.

While asking the question, 'how did we get here?' offers alternative ways of knowing about sorcery-related violence and suggests some non-violent and non-state focused responses to the issue, this line of inquiry more significantly foregrounds the economic dialectic of growing inequality as the driving force behind an increasingly violent local and international order. The potentially illimitable valency of human rights offers one language to those who dare to ask for the world to be otherwise. Yet, for human rights to be of practical use to the people of Bougainville or PNG more widely, it must broaden its critical gaze from localised cultural symptoms to the underlying pathology of the current international economic order.

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